

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT for the

Southern District of Alabama

NKOSI CHAMBERLAIN

Petitioner

v.

STATE OF ALABAMA

*Respondent**(name of warden or authorized person having custody of petitioner)*

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT, ALA

Case No. 55-DC-2016-000552-00
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: NKOSI ZURIEL ALBERTIE-CHAMBERLAIN
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: PIKE COUNTY JAIL
(b) Address: 120 CHURCH ST, 36081 TROY ALABAMA
(c) Your identification number: 54833
3. Are you currently being held on orders by:
☐ Federal authorities ☒ State authorities ☐ Other - explain: _____
4. Are you currently:
☒ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☒ Pretrial detention☐ Immigration detention☐ Detainer☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☐ Other (*explain*): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: PIKE COUNTY JAIL TWELFTH JUDICIAL COURT
120 church st troy al 36081(b) Docket number, case number, or opinion number: DC-2016-000552.00-000554.00(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):The defendant is challenging the decision to not dismiss the criminal complaint or reduced the excessive bond on

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
(b) Date of the removal or reinstatement order: _____
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: _____
(2) Case number: _____
(3) Result: _____
(4) Date of result: _____
(5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: _____
(2) Date of filing: _____
(3) Case number: _____

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- (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
 (b) Name of the authority, agency, or court: _____

 (c) Date of filing: _____
 (d) Docket number, case number, or opinion number: _____
 (e) Result: _____
 (f) Date of result: _____
 (g) Issues raised: _____

Grounds for Your Challenge in This Petition

- 13.** State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: In violation of 5th Amendment (V) No person shall be held to answer for a capital, or otherwise

please use additional attached page labeled habeas grounds. there will be 4 grounds including supporting facts.

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(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Defendant Chamberlain has been held for 1 year of incarceration without being indicted or given a reasonable fair

please use additional attached pages labeled habeas grounds. there will be 4 grounds including supporting facts.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: In violation of 6 Amendment (VI) In all criminal prosecutions, the accused shall enjoy the right to

please use additional attached page labeled habeas grounds. there will be 4 grounds including supporting facts.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Defense counsel waived preliminary hearing without telling defendant in efforts to start the case faster to begin trial

please use additional attached page labeled habeas grounds. there will be 4 grounds including supporting facts.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: In violation of 8th Amendment (VIII) Excessive bail shall not be required, nor excessive fines

please use additional attached page labeled habeas grounds. there will be 4 grounds including supporting facts.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Prosecution has held defendant for 1 year without indictment or a trial. Defendant has made several complaints

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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GROUND FOUR: In violation of 14th Amendment All persons born or naturalized in the United States, and sub

please use additional attached page labeled habeas grounds. there will be 4 grounds including supporting facts.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Defendant is charged with Trafficking in Marijuana 13A-12-231 Possession of a Controlled substance 13A-12-

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do:

Due to the constitutional violations resulting in injustice, neglect, excessive bonds and cruel punishments resulting in perm

please use additional attached page labeled habeas grounds. there will be 4 grounds including supporting facts.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system?
9-19-2017

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 09/19/2017


Signature of Petitioner

Signature of Attorney or other authorized person, if any

Habeas Grounds

State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

- **(GROUND ONE)**

In violation of 5th Amendment (V) No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Supporting facts

- Defendant Chamberlain has been held for 1 year of incarceration without being indicted or given a reasonable fair bond.
- Grand Jury has been held approximately 4 times since defendant's incarceration still no indictment.
- Defendant has made several complaints of not being able to afford a \$252,500 bond due to only being being a 21 y/o dependent college student with no equivalent income for this bond.
Defendant turned 22 on August, 23 2017.
- Defense has explained to the courts that the defense Did not have money for his original preset bond which was at 50,000 for trafficking marijuana .
- Defendant has not had a preliminary hearing nor signed a waiver for such. He has also complained about the courts not giving him probable cause for his arrest.

State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you

have more than four grounds. State the facts supporting each ground.

- **(GROUND TWO)**

In violation of 6 Amendment (VI)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Supporting facts

- Defense counsel waived preliminary hearing without telling defendant in efforts to start the case faster to begin trial. Prosecution still has failed to do so.
- Prosecution has obstructed the defense from justice and a fair trial in a timely manner by passing defense up on grand jury 4 times since incarceration and not releasing defendant nor allowing him to begin case or a fair bond.
- Defendant has been incarcerated without indictment for approximately 1 year due to a excessive \$250,000 bond on 1 trafficking marijuana charge. That came from a controlled delivery drug raid officers conducted that not once arrested defendant at the residence (which is not the defendant's residence) or in possession of any of the charges filed against him.
- Defendant is pro se and has not been giving any resources to a law library of any manner to fight this case.

State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

- **(GROUND THREE)**

In violation of 8th Amendment (VIII)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Supporting facts

- Prosecution has held defendant for 1 year without indictment or a trial.
- Defendant has made several complaints of not being able to afford a \$252,500 bond due to only being being a 21 y/o dependent college student with no equivalent income for this bond.
 - Defendant turned 22 on August, 23 2017.
- Defense has explained to the courts that Defendant Chamberlain did not have money for his original preset bond which was 50,000 for trafficking marijuana .
- Defense counsel waived preliminary hearing in efforts to start trial and prosecution purposely delayed the case in prejudice , causing defendant to be incarcerated for 1 year .
- This case is 15 months old and was expected to be tried in 3-6 months at most.
- Defense asked Prosecution for motion of discovery which was not giving also resulting in defense not being able to properly prepare and fairly fight the legal basis of this case in circuit court and defense has lost confidence in justice and fair trial in such courts.
- Defendant has no prior convictions in any state , no misdemeanors or felonies.
- Defendant has never fled a court date or from law enforcement.
- Defendant is pro se and has not been giving any resources to a law library of any manner to fight this case.

State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

• **(GROUND FOUR)**

In violation of 14th Amendment All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Supporting facts

- Defendant is charged with **Trafficking in Marijuana 13A-12-231**
Possession of a Controlled substance 13A-12-212
Possession of a Drug Paraphernalia 13-12-260

That occurred on June, 2 2016 during a controlled drug delivery with agents from Alea, U.S Postal Service, Troy Police Department, Pike county Sheriff's Office, Coffee County Sheriff's Office and Enterprise Police Department that conducted a controlled delivery of approx. 4 pounds of marijuana. After package was received from resident " Taylor William Copeland" whose name was on box/package it was intended for. At this point Agents executed a search warrant on the residence. Agents found two white males inside residence along with Marijuana , Drug Paraphernalia, and Controlled Substance.

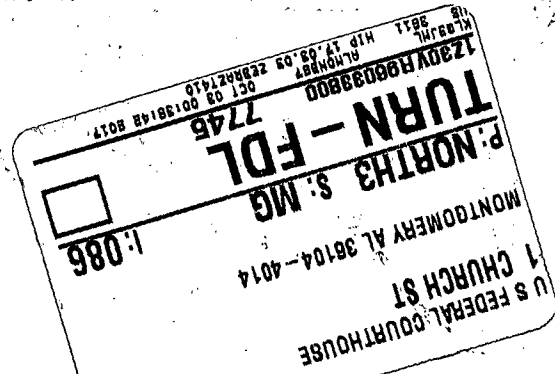
- **Defendant was never arrested inside residence or on the property of 102 griffin street , nor was found in possession of any Marijuana , Drug Paraphernalia, or Controlled Substance.**
- The defense would like to state that out of three individuals in this case. The defendant is the only African American male. The other two individuals are white males who lived at residence. Who were found in possession of everything Defendant Chamberlain has been incarcerated on a 250,000 bond for 1 year and counting without grand jury indictment .

- Neither of these two white males were ever charged with any of the same charges defendant has.
Defendant Chamberlain was the only one Charged and jailed.
- Defendant Chamberlain Did not accept any package from officers or was found in possession of any illegal substance.
- Defendant Chamberlain was not a resident of the 102 griffin street address , nor had any legal obligations at this address.
- Defendant Chamberlain was never arrested in state of Alabama.
- Defendant Chamberlain never took any police agency on any police chase .
- Defendant Chamberlain has the highest bond in the jail and has had the highest bond for 1 year .
- Defendant Chamberlain has been denied all of his constitutional rights.
- Defendant Chamberlain has 1 trafficking charge with a bond of 250,000 While peer inmates with murder charges have bonds of 100,000 , sex offenders have bonds under 100,000 , people who have been accused of , robbery , murder, rape, trafficking at greater amounts , all have bonds over 100,000 less than Defendant Chamberlain who is charge for something he never had.
- Defendant Chamberlain is being treated far worse than any inmate in the jail and court. Defendant has a better record and background than 98% of these inmates and is treated like a terrorist compared to other inmates who are convicted felons being charged and released on murder and robbery charges or bond less than defendant .

Request for Relief

- What exactly do you want to be done

- Due to the provided facts and documents of the constitutional violations resulting in injustice, neglect, excessive bonds and cruel punishments resulting in permanent damage against the defense and an unfair trial. The defense seeks a dismissal of the charges filed against him and for these charges including anything pertaining to it to be barred/suppressed for use in any criminal prosecution. If not relief on this excessive bond under \$50,000 or released on Pretrial release.

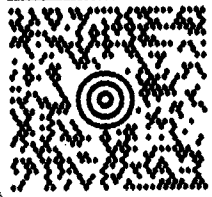


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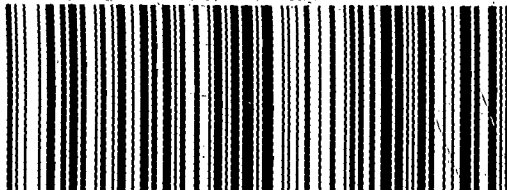
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